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# IOWA LEGISLATIVE INTERIM CALENDAR AND BRIEFING

June 21, 2013 2013 Interim No. 1

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• Administrative Rules Review Committee (6/11/13)	

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Tuesday, July 9, 2013

**Administrative Rules Review Committee**

9:00 a.m., Committee Room 116, Statehouse

Thursday, July 18, 2013

**Service Committee of the Legislative Council**

10:00 a.m., Committee Room 22, Statehouse

**Studies Committee of the Legislative Council**

10:30 a.m., Committee Room 22, Statehouse

**Legislative Council**

11:00 a.m., Committee Room 22, Statehouse

*Iowa Legislative Interim Calendar and Briefing* is published by the Legal Services Division of the Legislative Services Agency (LSA). For additional information, contact: LSA at (515) 281-3566.

### **Administrative Rules Review Committee**

Chairperson: Representative Dawn Pettengill

Vice Chairperson: Senator Wally Horn

Location: Room 116, Statehouse

Date & Time: Tuesday, July 9, 2013, 9:00 a.m.

Contact Persons: Joe Royce, LSA Counsel, (515) 281-3084; Jack Ewing, LSA Counsel, (515) 281-6048.

Agenda: Published in the Iowa Administrative Bulletin:

<https://www.legis.iowa.gov/iowaLaw/AdminCode/bulletinSupplementListing.aspx>

### **Service Committee of the Legislative Council**

Chairperson: Representative Kraig Paulsen

Vice Chairperson: Senator Michael Gronstal

Location: Room 22, Statehouse

Date & Time: Thursday, July 18, 2013, 10:00 a.m.

Legislative Services Agency Contacts: Glen Dickinson, Legislative Services Agency, (515) 281-3566; Richard Johnson, Legal Services, (515) 281-3566.

Agenda: Consider and make recommendations concerning budget and personnel matters of the Legislative Services Agency and the Office of the Citizens' Aide/Ombudsman.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=48>

### **Studies Committee of the Legislative Council**

Chairperson: Representative Kraig Paulsen

Vice Chairperson: Senator Amanda Ragan

Location: Room 22, Statehouse

Date & Time: Thursday, July 18, 2013, 10:30 a.m.

Legislative Services Agency Contact: John Pollak, Legal Services, (515) 281-3818; Andrew Ward, Legal Services, (515) 725-2251.

Agenda: Make recommendations for legislative interim studies.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=49>

### **Legislative Council**

Chairperson: Senator Michael Gronstal

Vice Chairperson: Representative Kraig Paulsen

Location: Room 22, Statehouse

Date & Time: Thursday, July 18, 2013, 11:00 a.m.

Legislative Services Agency Contacts: Glen Dickinson, Legislative Services Agency, (515) 281-3566; Richard Johnson, Legal Services, (515) 281-3566.

Agenda: Consider reports from Legislative Council committees.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=43>

### ADMINISTRATIVE RULES REVIEW COMMITTEE

June 11, 2013

**Chairperson:** Representative Dawn Pettengill

**Vice Chairperson:** Senator Wally Horn

#### **EDUCATION DEPARTMENT, *Bus Inspection Fee, 05/29/13 IAB, ARC 0762C, ADOPTED.***

**Background.** Two department inspectors inspect every school bus in the state, twice a year. The current fee is \$28.

**Commentary.** This filing increases the fee for a bus inspection from \$28 to \$42. The increase is to pay for a third bus inspector. The fee is paid by the school districts. Members expressed concern about this amendment, questioning the necessity of the fee increase, and whether bus inspections could be conducted in a more efficient and cost-effective manner by local personnel. Members commented that with more than 6,000 buses, it seemed infeasible that a detailed inspection could be made twice a year. Supporters responded that working year round and with the help of school personnel, a detailed, "wheels off" inspection does occur.

**Action.** No action taken.

#### **HUMAN SERVICES DEPARTMENT, *"Emergency" Rulemaking, SPECIAL REVIEW.***

**Background.** The department has drafted 13 proposed emergency rule amendments for ARRC review at the June meeting. This is an annual standard practice, allowing the department broad "emergency" rulemaking authority, subject to prior review by the committee; it is specifically authorized by 2013 Iowa Acts, SF 446, §30. The filings implement various provider rate increases pursuant to SF 446, §29, and Medicaid cost containment strategies pursuant to §12. Senate File 446 has not been signed into law by the Governor; for that reason the rules will not be adopted by the Human Services Council until the Act is signed into law.

**Commentary.** An amendment to 441 IAC Chapter 79, relating to the establishment of a new reimbursement method for targeted case management services, was controversial. The filing changes the reimbursement method for case management services under the Medicaid state plan, habilitation, home and community-based services waiver for individuals with a brain injury and elderly persons. The method applies a static fee for service based on cost-settled rates for FY 2011-2012, plus an inflation factor of 4.7 percent for FY 2013-2014. Stakeholders contend that because of changes made to the way billing rates have been calculated in recent years, this will actually amount to a reduction in reimbursement. Stakeholders also questioned whether SF 446 provides authority for this reimbursement method. A representative of the department stated these concerns would be considered before final adoption of the rule.

**Action.** No action taken; additional review and public participation is anticipated in July or August.

#### **RACING AND GAMING COMMISSION, *Licensing Appeals, 05/15/13 IAB, ARC 0734C, ADOPTED.***

**Background.** The commission revises its appeal procedure for administrative rulings by track officials to deny or suspend a license. Under the unique licensing provisions of the commission, track stewards have the authority to discipline, for violation of the rules, any person subject to their control and to impose fines or suspensions or both for infractions.

**Commentary.** In part this filing relates to the standard of review used in an appeal involving a steward's disqualification decision; the standard is limited to "abuse of discretion." The committee members felt this standard is too narrow to provide a fair opportunity for appeal. Commission officials noted this standard applied only to disqualification decisions made during a race, where decisions have to be made and enforced immediately. They noted these decisions do not affect the validity of a license or impact employment.

**Action.** Session delay.

#### **REVENUE DEPARTMENT, *Agricultural Land Valuation, 05/29/13 IAB, ARC 0770C, ADOPTED.***

**Background.** The corn suitability rating is an important factor in the property tax evaluation of agricultural parcels. The corn suitability rating (CSR) system was developed by Iowa State University; it measures potential soil productivity based on soil profile, slope characteristics, and weather conditions.

**Commentary.** This rulemaking utilized the negotiated rulemaking proceedings established in Executive Order No. 80. The department formed a stakeholder group to review this proposal. The group was made up of impacted stakeholders. The rule provides for a standardized adjustment method for non-cropland that has a high CSR so that non-cropland is not taxed the same as cropland. This amendment requires that the local assessor adjust non-cropland in distributing agricultural valuation to each parcel. The rule allows a taxpayer to apply to the county assessor for an interim adjustment to non-cropland beginning with the 2014 assessment and continuing until the county's full implementation of the rule.

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County assessors expressed concern over the use of interim adjustments, contending that until a county can implement the adjustment in its entirety, granting of interim adjustments to some but not all taxpayers is unfair. Assessors stated that during the interim process, some assessors do not have the technical ability to adjust non-cropland and at the same time maintain uniformity throughout the county. Assessors also expressed concern about the potentially significant cost of acquiring the technology and data necessary to implement the interim process. Supporters of the change stated that the current system, in which only about half of the counties make adjustments for non-cropland, is unfair and that the rule will give all taxpayers access to a fair system.

**Action.** No action taken.

**Next Meeting.** The next regular committee meeting will be held in Committee Room 116, on Tuesday, July 9, 2013, beginning at 9:00 a.m.

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Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=53>